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TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT		Approved for use through 07/31/2006, OMB 0551-0002 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE Docket Number (Optional) YAMAP0388USH
In re Application of: Mitsu'ru MORIYA et al. Application No.: 10/772,474 Filed: February 5, 2004 For: OPTICAL RECORDING MEDIUM HAVING DUAL INFORMATION SURFACES		
<p>This owner, Matsushita Electric Industrial Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,737,144 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer." In the event that said prior patent later expires for failure to pay a maintenance fee;</p> <p>is held unenforceable;</p> <p>is found invalid by a court of competent jurisdiction;</p> <p>is statutorily disclaimed in whole or terminably disclaimed under 37 CFR 1.321;</p> <p>has all claims canceled by a reexamination certificate;</p> <p>is released; or</p> <p>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p>		
Check either box 1 or 2 below, if appropriate.		
1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.) the undersigned is empowered to act on behalf of the business/organization.		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like are made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.</p>		
2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. 22,381		
<u>Armand P. Boisselle</u> Signature		January 18, 2005 Date
Armand P. Boisselle Typed or printed name		(216)621-1113 Telephone Number
<input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(b) included.		
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<p>*Statement under 37 CFR 1.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/66 may be used for making this certification. See MPEP § 324.</p>		

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBLVIAE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
YAMAP0388USH

In re Application of: **Mitsou MORIYA et al.**

Application No.: **10/772,474**

Filed: **February 6, 2004**

For: **OPTICAL RECORDING MEDIUM HAVING DUAL INFORMATION SURFACES**

The owner, **Mitsou MORIYA et al.**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number **10/772,989**, filed on **February 6, 2004**, as such term is defined in 35 U.S.C. 164 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 164 and 173 of any patent granted on said reference application, "as the term is," any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." In the event that any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like are made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 22,381

Armand P. Boisselle

Signature

January 19, 2005

Date

Armand P. Boisselle
Typed or printed name

(216)621-1113
Telephone Number

Terminal disclaimer file under 37 CFR 1.20(d) is included.

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